

Village of



Code of Ordinances



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MOTOR VEHICLES AND TRAFFIC

Sec. 15-245. Reserved.

Editor's note—Section 15-245 regarding vehicle replacement fees changed by Ord. 11-24-69, Sec. 15.107)

Sec. 15-246. Transferability.

Village vehicle licenses are not transferable to subsequent owners. (Ord. of 11-24-69, Sec. 15.103)

Sec. 15-247. Dealer's license.

The motor vehicle license sticker or tag issued to dealers in motor vehicles held for sale and used only for demonstrations may be transferred to any other vehicle so held and used by the same dealer in the Village; provided that such dealer shall procure one (1) license sticker for each motor vehicle so held by him at any one (1) time during the year. (Ord. of 11-24-69, Sec. 15.104)

Sec. 15-248. Records and reports of fees collected.

The Village Clerk shall keep a duplicate of all receipts issued for vehicle license sticker fees and shall report the amount that is collected each month to the Board of Trustees and Village Treasurer. (Ord. of 11-24-69, Sec. 15.108)

Sec. 15-249. Use of funds.

All fees collected from the issuance of such vehicle license sticker shall be used for the purpose of improving, paving, repairing, or maintaining the streets and other public ways within the Village, provided that the actual cost of the collection of such fees and the disbursement thereof may be deducted from the total amount collected. (Ord. of 11-24-69, Sec. 15.108, Ord. No. 2000-21, Sec. 3, 4-27-2000)

Secs. 15-250--15-259. Reserved.

ARTICLE VII. RESTRICTION CERTAIN VEHICLES*

Sec. 15-260. Findings of fact.

The President and Board of Trustees find that because of deterioration, rain, snow and other climatic conditions, the operation of any motor vehicle which has a gross weight in pounds, including vehicle and maximum load, in excess of ten thousand (10,000) pounds (any vehicle required by State law to display license plates in any of the Classes D through VDB inclusive), upon any street within the Village of Fox River Grove, except those set forth in section 15-262, will cause such streets to be seriously damaged or destroyed. (Ord. No. 79-15, Sec. 1, 6-20-79)

* Cross reference – Vehicle load weight restrictions, Sec. 15-280 et seq.

Sec. 15-261. Operation of vehicles in excess of gross weight of ten thousand pounds prohibited during certain months.

The operation of any motor vehicle which has a gross weight in pounds, including vehicle and maximum load, in excess of ten thousand (10,000) pounds, (any vehicle required by State law to display license plates in any of the Classes D through VDB inclusive), upon any street within the Village of Fox River Grove, except those set forth in Section 15-262, is prohibited during the period from February 15th through May 15th of each year. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-262. Certain streets excepted from article provisions.

The following streets are specifically excepted from the provisions of this Article VII:

- (1) U.S. Route 14 (Northwest Highway);
- (2) State Route 22;
- (3) Lincoln Avenue, from the intersection of Opatrny Drive to Beachway;
- (4) Algonquin Road from Route 14 to Lexington Avenue;
- (5) Lexington Avenue from Algonquin Road to Old Hunt Road;
- (6) Opatrny Drive from Lincoln Avenue to Route 14. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-263. Article provisions not applicable to certain vehicles.

The provisions of this Article VII shall not be applicable to emergency vehicles, vehicles of the Village of Fox River Grove, vehicles belonging to other governmental agencies, vehicles that are being used for garbage removal, and vehicles for which a special permit has been issued pursuant to Section 15-265. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-264. Erection, maintenance of signs.

The Village President or his designates are authorized and directed to erect and maintain signs designating the provisions of this Article VII at each end of that part of the Village street system affected hereby and that this Article VII shall not be effective unless such signs are erected and maintained. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-265. Special permit.

Each vehicle exceeding the weight limitations of Section 15-261 may be operated on the roads and streets under the jurisdiction of the Village only with a special written permit issued from the office of the Village Clerk in accordance with the following procedure:

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- (a) *Application for special permit.* Application for a special permit shall be made in writing to the Police Department and shall:
 - (1) State if the applicant is an authorized carrier under the Illinois Motor Carrier of Property Act; if so, its certificate, registration or permit number issued by the Illinois Commerce Commission;
 - (2) Specifically describe the vehicle or vehicles and the load to be operated or moved, and whether such permit is requested for a single trip or for limited continuous operation;
 - (3) State the points of origin and destination of the vehicle or vehicles to be operated under the special permit;
 - (4) State if the vehicles or loads will be transported for hire.
- (b) *Issuance of permit.* The Village Clerk, or Deputy Clerk, is authorized to issue permits hereunder subject to the following conditions:
 - (1) When a vehicle or combination of vehicles, unladen or with load, shall exceed the gross weight of twelve thousand (12,000) pounds per axle on the road's surface, or exceeds a maximum weight of thirty-six thousand (36,000) pounds, regardless of the number of axles, no permit shall be issued until the applicant shall have supplied the Village Clerk with a surety bond to compensate for any injury to any road or road structure. The amount of said bond shall be determined by the product of five thousand (\$5,000.00) dollars multiplied by the number of miles the vehicle, or vehicles, proposes to travel on the Village roads or streets.
- (c) *Permit to be in writing and carried in vehicle; inspection.* Every permit shall be in writing and shall be carried in the driving compartment of the vehicle or combination of vehicles to which it refers, and shall be open to inspection by any police officer or authorized agent of the village.
- (d) *Report of number and nature of permits issued.* The Village Clerk shall report the number and nature of all permits issued each month to the Board of Trustees.
- (e) *Operation in violation of permit.* It shall be unlawful to operate a motor vehicle for which a special permit has been issued in violation of such permit. (Ord. No.79-15, Sec. 1, 6-20-79)

Sec. 15-266. Authority of police to cause vehicle and load to be weighed.

Any police officer having reason to believe that the weight of a vehicle and load is unlawful shall require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales. If such scales are not available at the place where such vehicle is stopped, the police officer shall require that such vehicle be driven to the nearest public scales. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-267. Authority of police officer to require removal of portion of load.

Whenever an officer, upon weighing a vehicle and load as above provided, determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this Article, and shall forthwith arrest the driver. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-268. Failure of driver to stop and submit load and vehicle to weighing.

Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer upon weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this Article, shall be guilty of a violation of this Article VII. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-269. Both owner and driver held responsible for violation of section 15-261 or 15-265.

When any vehicle is operated on the roads and streets under the jurisdiction of the Village in violation of the provisions of Section 15-261 or 15-265, the owner or driver, or both, of such vehicle shall be deemed guilty of such violation, and the owner or driver, or both, of such vehicle may be prosecuted for such violation. (Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-270. Penalty for violation of section 15-261.

Any person convicted of any violation of Section 15-261 shall be fined as follows:

<i>Excess Weight (pounds)</i>	<i>Amount (per pound)</i>
2,000 or less	\$ 0.02
Above 2,000 and 3,000 or less	\$0.04
Above 3,000 and 4,000 or less	\$0.06
Above 4,000 and 5,000 or less	\$0.08
Above 5,000	\$500.00

(Ord. No. 79-15, Sec. 1, 6-20-79)

Sec. 15-271. Penalty for violation of Section 15-265 or 15-268.

Any person convicted of any violation of Section 15-265 or 15-268 shall be fined as follows:

First conviction: Not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars.

Second conviction within one year thereafter: Not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars.

Third or subsequent conviction within one year after the first conviction: Not less than two hundred (\$200.00) dollars nor more than five hundred (\$500.00) dollars. (Ord. No. 79-15, Sec. 1, 6-20-79)

Secs. 15-272-15-279. Reserved.

ARTICLE VIII. VEHICLE LOAD AND WEIGHT REGULATIONS*

Sec. 15-280. Width of vehicles.

No vehicle and its load shall have a maximum width exceeding eight (8) feet, except loads of loose hay, straw, corn fodder, or other similar farm products; agricultural implements, vehicles operated by a public utility when required for the installation or repair of public service facilities or properties, fire apparatus, equipment for snow and ice removal owned or operated by a government body, garbage or refuse equipment, equipment while actually engaged in work upon the surface of the roadway or highway, or vehicles operating under a special permit as provided in this article. (Ord. No. 80-29, Sec. 1, 10-15-80)

Sec. 15-281. Length of vehicles.

- (a) No vehicle, unladen or with load, shall exceed a length of forty-two (42) feet extreme overall length.
- (b) No truck tractor and semi-trailer, unladen or with load, shall exceed a length of fifty-five (55) feet extreme overall length.
- (c) Said length restrictions shall not apply to vehicles operated by a public utility when required for installation or repair of public service facilities or properties, and shall not apply to fire apparatus, equipment designed for snow and ice removal owned or operated by a government body, garbage or refuse equipment, vehicle operated in the daytime when transporting poles, machinery, or other objects of a structural nature eighty (80) feet or less in length, except upon Saturdays, Sundays or legal holidays; nor to vehicles operating under a special permit as provided in this article. (Ord. No. 80-29, Sec. 1, 10-15-80)

Sec. 15-282. Axle loads and gross weights.

- (a) No vehicle, unladen or with load, or any combination of vehicles, unladen or with load, shall exceed gross weight of twelve thousand (12,000) pounds per axle transmitted to the road surface.

* Editors note – Ord. No. 80-29, Sec. 1, enacted Oct. 15, 1980, amended Art. VIII to read as herein set out. Prior to amendment said article was derived from Ord. No. 79-32, Sec. 1, adopted Oct. 17, 1979.

Cross reference – Restriction on certain vehicles, Sec. 15-260 et seq.

- (b) No vehicle or combination of vehicles, unladen or with load, regardless of the number of axles shall exceed a maximum gross weight of thirty-six thousand (36,000) pounds whether said vehicle or combination of vehicles is unladen or with load.
- (c) Said weight limitations shall not apply to vehicles operated by a public utility when required for the installation or repair of public service facilities or properties or to vehicles operated by a home heating supply company, and shall not apply to fire apparatus, equipment designed for snow and ice removal, owned or operated by a government body, garbage or refuse equipment or vehicles operating under a special permit as provided in this article. (Ord. No. 80-29, Sec. 1, 10-15-80; Ord. No. 81-27, Sec. 1, 12-16-81)

Sec. 15-283. Height of vehicles.

- (a) The maximum height for all vehicles shall not exceed thirteen (13) feet, six (6) inches from the underside of the tire to the top of the vehicle and load.
- (b) Said height limitations shall not apply to vehicles operating under a special permit as provided for in this Article. (Ord. No. 80-29, Sec. 1, 10-15-80)

Sec. 15-284. Special permits; fees; exempted streets; signs.

- (a) *Special permits required.* Each vehicle exceeding the size, weight and load limitations of this Article may be operated on the roads and streets under the jurisdiction of this Village only with a special written permit issued by the Village Clerk, Chief of Police or his designee. A special permit issued pursuant to this Section may provide authorization for more than one (1) vehicle to be operated on the streets and roads under the jurisdiction of the Village if the destination of all vehicles covered by this special permit is the same building, structure or contiguous parcel of land and if all vehicles covered by the permit follow the same route, except that where a vehicle or combination of vehicles is used to transport materials, equipment, fill or debris used in or resulting from the construction or demolition of a building or other structure, a separate special permit shall be required for each building or demolition permit that has been issued or is otherwise required.
- (b) *Application for permit.* Application for a special permit shall be in writing and shall:
 - (1) State if the applicant is an authorized carrier under the Illinois Motor Carrier or Property Act; if so, his certificate, registration or permit number issued by the Illinois Commerce Commission.
 - (2) Specifically describe (i) the vehicle or vehicles and the load to be operated or moved, (ii) the number and the period of time or trips necessary to complete the job and (iii) whether the load to be operated or moved, is being operated or moved in connection with the construction or renovation of residential property.
 - (3) State the point of origin and destination of the vehicle or vehicles to be operated under the special permit.

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- (4) State if the vehicle or loads will be transported for hire.
 - (5) State whether the debris or material to be transported pursuant to the special permit is to be transported in connection with construction activity or other work for which a building permit is required pursuant to Section 6-32 of this Code. (Ord. No. 94-19, Sec. 2, 6-16-94)
- (c) *Issuance of permit.* The Village Clerk, Chief of Police or his designee, is authorized to issue permits hereunder subject to the following conditions:
- (1) When a vehicle or combination of vehicles, unladen or with load, shall exceed the gross weight of twelve thousand (12,000) pounds per axle on the road surface, or exceeds the maximum gross weight of thirty-six thousand (36,000) pounds, regardless of the number of axles.
 - (2) When a vehicle or combination of vehicles shall exceed fifty-five (55) feet, extreme overall dimension unladen or with load.
 - (3) When a vehicle or combination of vehicles shall exceed a height of thirteen (13) feet, six (6) inches, unladen or with load.
 - (4) In establishing the routes to be traveled, the Village Clerk, Chief of Police or his designee, shall establish the most direct and shortest route consistent with the public safety, taking into consideration existing traffic, the character of the road or roads, and the configuration of the terrain.
 - (5) Every permit shall be in writing and shall be open for inspection by any police officer or authorized agent of the Village.
 - (6) No permit shall be issued where the debris or material to be transported pursuant to the permit is to be transported in connection with construction activity or other work for which a building permit is required under Section 6-32 of this Code, unless the applicant for the permit has applied for a building permit and the issuance of the building permit has been approved by the Superintendent of Building & Zoning. (Ord. No. 94-19, Sec. 3, 6-16-94)
- (d) *Special permit is a legal document.* A permit is a legal document authorizing the grantee to move an oversize vehicle or load upon or across a street or highway within the jurisdictional boundaries of the Village of Fox River Grove. It is issued as a result of an agreement between the grantee and the Village of Fox River Grove. The agreement is based upon the information contained in the written application, upon the applicant being legally competent, upon the conditions and restrictions stated in the permit, and upon the applicable provisions of this policy.
- (e) *Acceptance of the permit.* Acceptance of the permit by the grantee shall be prima facie evidence of an unequivocal allegation by the grantee that:

- (1) He is in compliance with all operational requirements.
- (2) All dimensions and weight limitations specified in the permit shall not be exceeded.
- (3) All operation, registration and license requirements have been met.
- (4) All financial responsibility obligations and other legal requirements have been met.
- (5) He assumes all responsibility for injury to persons or damage to public or private property, including that of his own, or to the object being transported, caused directly or indirectly by the transportation of vehicles and objects authorized under the permit. He agrees to hold the Village of Fox River Grove harmless from all suits, claims, damages or proceedings of any kind and indemnify the Village of Fox River Grove for any claim it may be required to pay arising from the movement.

Undertaking the move is deemed prima facie evidence of acceptance of the permit.

- (f) *Streets and highways exempted from weight limitations.* The following streets and highways are specifically exempted from the provisions of Section 15-282:
 - (1) U.S. Route 14 (Northwest Highway).
 - (2) State Route 22.
 - (3) Lincoln Avenue from the intersection of Opatrny Drive to Algonquin Road.
 - (4) Algonquin Road from U.S. Route 14 to Lincoln Avenue.
 - (5) Ski Hill Road from State Route 22 to School Street.
 - (6) Opatrny Drive from U.S. Route 14 to Lincoln Avenue.
- (g) *Fees for special permits and types of permits.* The fee for a special permit shall be based on the length of the period for which the permit is to be valid except where the special permit is being issued in connection with the construction of residential dwelling units or the renovation or construction of an addition to residential property. Except as provided below in this Subsection (g), fees for special permits and types of permits shall be as follows:
 - (1) One-day permit: forty (\$40.00) dollars.
 - (2) One-week permit: one hundred twenty (\$120.00) dollars.
 - (3) One-month permit (for thirty (30) calendar days): four hundred (\$400.00) dollars.
 - (4) Six-month permit (for one hundred eighty (180) calendar days): one thousand (\$1,000.00) dollars.

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- (5) One-year permit (for three hundred sixty-five (365) calendar days): two thousand (\$2,000.00) dollars.
- (6) For New Residential Construction: four hundred eighty (\$480.00) dollars per dwelling unit.
- (7) For renovation or additions to residential property: forty (\$40.00) dollars plus ten (\$.10) cents per square foot based on the area being renovated and/or the size of the addition. (Ord. No. 94-19, Sec. 4, 6-16-94)

The amount of the fee specified above shall be doubled if the permit to be issued will allow a vehicle to transport materials or items to or from a location outside the Village of Fox River Grove where the shortest route to and from such location is over the railroad grade crossing located at Foxmoor Road and Union Pacific Railroad tracks.

- (h) *Payment of fees.* Payment of fees authorized by this Article shall be made to the Village Clerk, Chief of Police or his designee. No permit(s) shall be issued until such fee has been paid. All money received shall be deposited in the general corporate fund. No permit shall be issued if the debris or material to be transported pursuant to the permit is being transported in connection with construction activity or other work for which a building permit is required under Section 6-32 of this Code, unless the applicant for the permit has applied for and received approval for the building permit and has paid any fees which may be required pursuant to Section 6-37 of this Code. (Ord. No. 94-19, Sec. 5, 6-16-94)
- (i) Posting of signs. Signs shall be erected giving notice of the weight limitations on the streets and highways under the jurisdiction of the Village of Fox River Grove. (Ord. No. 80-29, Sec. 1, 10-15-80)

Sec. 15-285. Violations of permits.

- (a) When any vehicle or combination of vehicles is operated on the streets or highways of the Village Fox River Grove in violation of the provisions of this Article, the owner or driver, or both of such vehicle or combination of vehicles shall be deemed guilty of such violation and the owner or driver, or both, may be prosecuted for such violation. (Ord. No. 90-03, Sec. 4, 3-2 1-90).
 - (1) It shall be deemed unlawful to operate or cause to be operated any vehicle or combination of vehicles upon or across any street or highway within the jurisdiction of Fox River Grove without having the original permit issued within the cab of the vehicle or combination vehicles.
 - (2) It shall be deemed unlawful to operate or cause to be operated any vehicle or combination of vehicles upon or across any street or highway within the jurisdiction of Fox River Grove without having the original or copy of a permit (when such permit is for multiple vehicles) within the cab of the vehicle or combination of vehicles.

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- (b) *Operating vehicle or combination of vehicles on multiple vehicle permit without authority.*
- (1) It shall be deemed unlawful for any driver of a vehicle or combination of vehicles to operate under a multiple vehicle permit if such vehicle or combination of vehicles is not so listed on the permit or notification in writing has not been made to the Village.
 - (2) Vehicles or combination of vehicles not listed on the permit, or where no notification has been made to the Village of Fox River Grove regarding such vehicle or combination of vehicles operating under a multiple vehicle permit, shall be subjected to the weight and load limitations set forth in this policy.
- (c) *Compliance with State permit where both State and Village permit issued.* When any vehicle or combination of vehicles makes a move upon or across any street or highway in the Village of Fox River Grove, and said vehicle or combination of vehicles is operating under a special permit from both the Village of Fox River Grove and the Illinois Department of Transportation, such driver of said vehicle or combination of vehicles shall comply with all provisions listed in the Department of Transportation permit (pertaining to form #BT993 of the Illinois Department of Transportation) when such operation is upon any street or highway within the jurisdiction of the Village of Fox River Grove.
- (d) *Alteration of permit.* When any special permit issued by the Village of Fox River Grove is found to have been altered in any manner whatsoever, such permit shall be deemed as void and such vehicle or combination of vehicles shall be subjected to the weight and load limitations set forth in this policy. (Ord. No. 80-29, Sec. 1, 10-15-80)

Sec. 15-286. Fines.

- (a) When any vehicle or combination of vehicles is operated upon or across any street or highway within the jurisdictional boundaries of the Village of Fox River Grove in violation of this Article, the owner, driver, or both, of such vehicle or combination of vehicles may be prosecuted for such violation(s).
- (b) Any person in violation of any of Sections 15-280, 15-281, 15-283 and 15-285 shall be fined in the amount of twenty-five (\$25.00) dollars plus ten (\$10.00) dollars court costs.
- (c) It shall be unlawful to operate or cause to be operated, any motor vehicle or combination of vehicles for which a permit has been issued in violation of such permit. Any person convicted of any violation of this Chapter pertaining to overweight on permit shall be fined as follows:

<i>Excess Weight (pounds)</i>	<i>Amount (per pound)</i>
2,000 or less	\$ 0.04
Above 2,000 and 3,000 or less	0.06
Above 3,000 and 4,000 or less	0.08
Above 4,000 (total fine)	500.00

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(Ord. No. 90-03. Sec. 5, 3-21-90).

- (d) It shall be unlawful to operate or cause to be operated any motor vehicle or combination of vehicles for which a special permit has been issued in violation of such permit. Any person found guilty of any violation of this Article pertaining to overweight on permit shall be fined as follows:

<i>Pounds in Excess Weight</i>	<i>Amount (per pound)</i>
2,000 or less	\$ 0.04
2,001 to 3,000	0.06
3,001 to 4,000	0.08
4,001 and above	500.00 (maximum total fine)

(Ord. No. 80-29, Sec. 1, 10-15-80)